

In the case now under consideration, no possible construction of the evidence can establish that gross inadequacy of price which will, *per se*, furnish evidence of misconduct or fraud on the part of those who conducted the sales, and there is not only a total absence of proof of any such misconduct in the other circumstances attending them, but the testimony shows that the trustees discharged their duty fairly and faithfully in all respects.

The sales, therefore, will be ratified, the exceptions being overruled, and the Auditor is requested to examine the vouchers for expenses and taxes, and apportion them properly.

IN THE MATTER OF THE
TRUST ESTATE OF
JANE BLAKE, DECEASED.

} DECEMBER TERM, 1853.

[CONSTRUCTION OF WILL—ANNUITIES.]

A TESTATRIX devised her real estate to her executor, in trust, to sell the same and invest the proceeds to pay the legacies and annuities in her will. She then bequeathed to her sister an annuity of one hundred dollars during her life; to her niece, fifty dollars per annum during her life; to each of the children of her said niece now living, or hereafter to be born, one hundred dollars per annum, payable as they respectively attained the age of five years, and to continue until they were old enough to be put out to trades. She also gave other pecuniary legacies to the same children as they respectively arrived at age or married. The interest of the trust fund was inadequate to pay these annuities. HELD—that they could not be paid out of the *principal* of the estate.

[The testatrix, Jane Blake, by her will, referred to in the opinion of the Chancellor in this case, devised all her real estate to her executor, in trust, to sell the same and apply the proceeds in aid of her personal estate in payment of her debts and the legacies specified in her will, “and in trust also to invest so much of the said proceeds of sale as he may think fit, in such stock funds, or mode of investment as he may think fit,